IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

COMPANY APPLICATION No. 611 of 2006

For Approval and Signature:

HONOURABLE MR.JUSTICE M.R. SHAH

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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MAHIPATBHAI PRAVINCHANDRA PAREKH - Applicant(s)
Versus
O.L. OF NEEKA TUBES LTD. - Respondent(s)

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Appearance :
MR DN KIRATSATA for Applicant(s) : 1,
None for Respondent(s) : 1,

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CORAM : HONOURABLE MR.JUSTICE M.R. SHAH

Date : 20/11/2006

ORAL JUDGMENT

Apart from the fact that the applicant has not lodged his claim before the Official Liquidator, admittedly, the Basic Salary of the applicant at the relevant time was Rs.3450/-. Under the circumstances, it

cannot be said that the applicant is entitled to his claim considered pari-passu under Section 529(A) of the Companies Act; 1956 as the Basic Salary of the applicant is more than Rs.2000/- and therefore, he cannot be said to be a workman and even otherwise, the applicant was the Assistant Manager. Under the circumstances, this application is under misconception of law and therefore, the same is required to be dismissed and is, accordingly, dismissed.

[M.R.SHAH, J.]

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